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In re Application of
David L. Lewis
Application No. 09/879,495
Filed: June 12, 2001
Attorney Docket No. 17489 USA

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OFFICE OF PETITIONS

ON PETITION

This is a decision in response to a petition, filed May 12, 2003, under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED** as moot in view of the argument contained in the "Request for Withdrawal of Petition to Revive Under 37 CFR 1.137(b), (c) and (f)" filed by facsimile transmission on October 3, 2003.

The request for a refund of the \$1300 petition fee is **GRANTED**.

Any inquiries concerning this decision may be directed to Sherry D. Brinkley at (703) 305-9220.

This application is being returned to Technology Center Art Unit 1731 to await a reply to the non-final Office action mailed June 24, 2003.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
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